Remarks

In view of the above amendments and the following remarks, reconsideration of the objection and rejections, and further examination are respectfully requested.

Claims 1, 7, 8, 12, 13 and 18 have been amended. Claim 14 has been cancelled without prejudice or disclaimer to the subject matter contained therein. Claims 1-4, 6-9, 11-13 and 15-18 are pending in the application.

Claims 1-4, 6-9, 11-13, 16 and 17 have been indicated as containing allowable subject matter. The Applicant would like to thank the Examiner for this indication of allowable subject matter.

Claim 1 has been objected to for including an informality. Claim 1 has been amended so as to address this informality. As a result, withdrawal of the objection to claim 1 is respectfully requested.

Claims 7 and 8 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 7 and 8 have been amended so as to address this rejection. As a result, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claim 14 has been rejected under 35 U.S.C. §112, fourth paragraph, as failing to further limit the subject matter of the claim from which it depends. Claim 14 has been cancelled without prejudice or disclaimer to the subject matter contained therein. As a result, withdrawal of the rejection under 35 U.S.C. §112, fourth paragraph, is respectfully requested.

Claims 14, 15 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Garrison (US 6,425,916) in view of Bolea (US 2002/0188344).

This rejection is respectfully traversed and submitted to be inapplicable to the claims for the following reasons.

Claim 18 is patentable over the combination of Garrison and Bolea, since claim 18 recites, in part, a prosthetic valve including a resilient carrier frame that is radially deformable in an elastic manner relative to a central axis of a tubular endoprosthesis, and integrated centripetal compression means for compressing the resilient carrier frame, wherein the resilient carrier frame comprises a resilient wire mesh, and the integrated centripetal compression means comprises a constriction strand permanently engaged around the resilient wire mesh, and wherein the resilient wire mesh is a resilient tubular wire mesh, and the constriction strand extends around a circumference of the resilient tubular wire mesh for compressing the resilient

carrier frame. The combination of Garrison and Bolea cannot be relied upon to disclose or suggest the integrated centripetal compression means including the constriction strand as recited in claim 18.

Garrison discloses a cardiac valve 6 including a valve portion 38 supported by a number of posts 32, a support structure 26 made up of first and second elongated members 28 and 30 formed by windings 31 and separated by a temporary valve mechanism 40, and a coil 36 at the opposite end of the valve 6 from the valve portion 38. Further, the valve portion 38 has a base 41 that is secured to the support structure 26 by sutures. (See column 5, lines 42-60 and Figures 10 and 30).

The rejection indicates that the support structure 26 of the valve 6 corresponds to the claimed resilient carrier frame, and that the windings 31 and elongated members 28 can be relied upon as corresponding to the claimed constriction strand. However, as noted above, the windings 31 and elongated members 28 are clearly elements that make up the support structure 26 itself. Thus, the windings 31 and elongated members 28 cannot be said to extend around a circumference of the support structure 26 for compressing the support structure 26, since these elements are, in fact, the support structure 26. Therefore, Bolea must disclose or suggest the claimed constriction strand in order for the combination of Garrison and Bolea to render claim 18 obvious.

Bolea discloses a stent 10 having a lasso 80 located around an outside surface 82 of a proximal end 22 of the stent 10. The lasso 80 has a loop region 84 that extends into the central passage of the stent 10. When the stent 10 is to be removed, a removal tool 101 having a hook element 102 is inserted into the central passage of the stent 10 and the hook element 102 is engaged with the loop region 84. Then, the removal tool 101 is rotated to cause the lasso 80 to twist upon itself, which collapses the stent 10. (See paragraphs [0049] – [0051] and Figures 8-11).

In the rejection, the lasso 80 is also relied upon as corresponding to the claimed constriction strand. However, it is apparent that it would not have been obvious to one of ordinary skill in the art to modify the cardiac valve 6 to include the lasso 80 of the stent 10 because the inclusion of the lasso 80 could be detrimental to the operability of the valve 6.

As noted above, in order for the stent 10 of Bolea to be collapsed, it is necessary to insert the removal tool 101 into the central passage of the stent 10 such that the hook element 102 can

be engaged with the loop region 84, which is located in the central passage of the stent 10. Since the stent 10 of Bolea is essentially a hollow structure, there is a low probability that the removal tool 101 would damage the stent 10.

On the other hand, the cardiac valve 6 of Garrison has the valve portion 38, which performs the actual valve function, located in the central passage of the valve 6. Due to the location of the valve portion 38, modifying the cardiac valve 6 of Garrison to include the lasso 80 of Bolea results in a number of potential problems. For example, the presence of the loop region 84 in the central passage could interfere with the operation of the valve portion 38. Further, inserting the removal tool 101 into the central passage of the valve 6 and the subsequent rotation of the removal tool 101 could result in damage to the valve portion 38. Because of the importance of the valve portion 38, one of ordinary skill in the art would not modify the valve 6 in a manner that could result in damage to the valve portion 38. Thus, it would not have been obvious to one of ordinary skill in the art to modify the cardiac valve 6 of Garrison to include the lasso 80 of Bolea. Therefore, the combination of Garrison and Bolea is improper, and claim 18 is patentable over such a combination.

Because of the above-mentioned distinctions, it is believed clear that claims 1-4, 6-9, 11-13 and 15-18 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-4, 6-9, 11-13 and 15-18. Therefore, it is submitted that claims 1-4, 6-9, 11-13 and 15-18 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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